

***AMENDMENT UNDER 37 C.F.R. § 1.111***  
***U. S. Application No. 09/588,345***

**REMARKS**

Claims 1-29 are all the claims pending in the application, including new claim 29 added by the present Amendment.

Claims 1-28 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Since claims 3, 5-7, 12, 15 and 25 are rejected only under 35 U.S.C. § 112, first paragraph, if the rejection of these claims were overcome, these claims should be allowable, since there is no other rejection of these claims.

Claims 1, 4, 8-11, 13, 14, 16-19, 21-24, and 26-28 are rejected under 35 U.S.C. § 102(b) as being anticipated by previously-cited Suzuki et al. (US 4,930,008, hereafter "Suzuki"). Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki et al. in view of previously-cited Moriguchi (US 4,490,740).

Claims 16, 21, and 26 are listed as being objected to on page 7 of the Office Action. However, the change suggested by the Examiner to overcome the objection has already been done, in the Amendment filed February 23, 2004.

With regard to the rejection under § 112, first paragraph, Applicant has the following comments. The Examiner asserts that the Applicant does not sufficiently disclose in the specification and/or claims how the light emitting elements are controlled. Applicant submits that the specification describes various examples of image reading and states, at the end of one of the examples, that "Determination of which conveyance path to be read or the initialization and the like can be conducted by various kinds of automatic discrimination, as well as by manual input." Page 24, lines 14-16. In other words, the particular means for controlling the light emitting elements is not critical to the present invention, and thus need not be claimed. Hence,

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Applicant submits that the rejection of claims 1-28 under § 112, first paragraph, is hereby overcome.

In the "Response to Arguments," the Examiner responds to Applicant's previous argument that Suzuki fails to teach or suggest the optical member claimed in claims 1, 4 and 8. Here, the Examiner asserts that light is emitted onto the original 1 by the light emitting diode unit 13. The Examiner further asserts that the CCD sensor 3 emits light onto the original 1. In conjunction with these assertions is the Examiner's assertion that the multi-lens-array 4 of Suzuki corresponds to the optical member claimed by the Applicant. See Office Action, page 3.

Applicant submits that there is no support for the Examiner's assertion that Suzuki discloses the claimed optical member of claims 1, 4 and 8. The LEDs 13R and 13Y of the LED unit 13 emit light onto the original 1, as described in col. 4, lines 9-34. As shown in FIG. 4 of Suzuki, the light reflected from the original passes through the multi-lens-array 4 and is detected by the CCD sensor 3. As one of ordinary skill in the art would know, CCD sensors receive light and convert the received light into an electrical signal, which is subsequently output. CCD sensors do not transmit light. Thus, the light transmitted through the multi-lens-array 4 is transmitted to the CCD sensor 3, not from the CCD sensor 3. Accordingly, the multi-lens-array 4 does not irradiate light emitted from the LEDs across the original 1. Instead, the multi-lens-array 4 transmits light to the CCD sensor 3. By contrast, the optical member of claims 1, 4 and 8 recites an optical member for irradiating light emitted from the plurality of light emitting element units across at least a substantially entire width of an original in a first direction. Therefore, the multi-lens-array 4 does not correspond to the claimed optical member.

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Furthermore, if by the Response to Arguments, the Examiner is now asserting that the LED unit 13 corresponds to the claimed optical member, because the LEDs 13R and 13Y of the LED unit 13 emit light onto the original, Applicant respectfully disagrees. As described above, the claimed optical member is an optical member for irradiating light emitted from the plurality of light emitting element units across at least a substantially entire width of an original in a first direction. The LEDs 13R and 13Y of the LED unit 13 emit light onto the original. To assert that the LED unit 13 corresponds to the optical member, however, amounts to a double counting of elements of the claims. The claimed plurality of light emitting element units and the claimed optical member are separate elements of the claims. By contrast, the LEDs 13R and 13Y are parts of the LED unit 13. Moreover, the LED unit 13 cannot be considered to irradiate light emitted from the LEDs 13R and 13Y, since the emitting of light from the LEDs is the emitting of light from the LED unit 13.

An example of the claimed optical member, according to an embodiment of the present invention, is shown in FIG. 3 of the present application. As described in the specification at page 17, line 12 - page 18, line 11, an acrylic block 80 guides the light emitted by respective LEDs to a vicinity of the photographic film 21. As shown by comparison of this exemplary embodiment of the present invention to the reference, Suzuki clearly fails to disclose the claimed optical member.

Therefore, claims 1, 4 and 8 and their respective dependent claims 14 and 16-18; 19 and 21-23; and 9-11, 13, 24 and 26-28 are not anticipated by Suzuki for the above-described reasons.

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Claim 2 is rejected over Suzuki in view of Moriguchi. Claim 2 is allowable over the prior art, at least because of its dependence from claim 1, and because Moriguchi fails to make up for the deficiencies of Suzuki.

New claim 29 is added to further define the present invention. Claim 29 is allowable, at least because of its dependence from claim 4.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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